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PART IV

Legislative Measures and Rules thereunder

NOTIFICATIONS.

No. A. F. 3042—C. S. 20-46-2, dated Bangalore, the 20th November 1946.

The following draft amendments to the Mysore Co-operative Rules, 1920, which the Government of His Highness the Maharaja propose to make, in exercise of the powers conferred by sub-sections (1) and (2) of section 44 of the Mysore Co-operative Societies Act, 1918 (Act VII of 1918), are hereby published as required by sub-section 3 of section 44 of the said Act, for the information of all persons likely to be affected thereby.

Notice is hereby given that objections or suggestions, if any, may be forwarded to the Secretary to Government, General Department, within 5th January 1947 for consideration.

Objections or suggestions not received within the aforesaid date will not be considered.

Draft Amendments.

Substitution of new Rule for Rule 32:

Rule 32.—1. The Management of the Mysore Provincial Co-operative Apex Bank, Ltd., shall vest in a Board of Directors consisting of 15 persons including the President.

2. The President of the Board shall be elected annually by the General Body at the annual general meeting of the Bank subject to the approval of Government.

3. One Director shall be nominated by Government and he shall hold office till his successor is appointed. He need not necessarily be a member of the Bank.

4. The remaining thirteen Directors shall be elected at the annual general meeting by their own representative groups of electors as specified in Rule 5 below.

5. (i) One Director shall be elected by the preference share-holders from among themselves.

(ii) One Director shall be elected by the representatives of affiliated Co-operative Societies situated within the municipal limits of Bangalore and Mysore Cities from among themselves.

(iii) Two Directors shall be elected by the representatives of affiliated urban Co-operative Societies, excluding those situated within the municipal limits of Bangalore and Mysore Cities, from among themselves.

(iv) The remaining nine Directors shall be elected by the representatives of rural affiliated societies at the rate of one for each district from among themselves.

6. The term of office of all the 13 Directors elected in accordance with clause 5 above shall expire on the day of the annual general election following the election but they shall be eligible for re-election provided, however, that the representatives of the preference share-holders and of the societies situated within the municipal limits of the Cities of Bangalore and Mysore shall not hold office for more than two terms consecutively.

7. Any vacancy occurring in the office of the President or other Directors (excepting the one nominated by Government under clause 3 above) by death, resignation or any other cause, shall be filled up for the unexpired term of the Board in such a way that the number of representatives of each class of members shall be in conformity with clause 5 above, the selection of the President being subject to the approval of Government.

8. The Chief Officer of the Bank shall be the Secretary. He shall be a whole-time salaried officer who shall be appointed by the Board subject to the approval of Government. He shall not be a member of the Board.

9. The Bank shall have a qualified auditor on its staff for purposes of internal continuous audit and his appointment shall be subject to the approval of the Registrar.

N.B.—The expression "Urban Co-operative Societies" shall mean and include all Co-operative Societies situated within the jurisdiction of the Town Municipalities in the State and the Sanitary Board of the Kolar Gold Fields.

No. A. F. 3015—Mart. 11-46-1, dated Bangalore, the 19th November 1946.

Under Section 6 (4) of the Agricultural Produce Markets Act No. XVI of 1939, the Government of His Highness the Maharaja are pleased to publish for the information of the public the following draft amendments to the Mysore Agricultural Produce Markets Rules, 1941, issued with Government Notification No. D. 321—I & C 539-39-3, dated the 18th July 1941.

(1) In rule 4, for clause (d) in Sub-rule (2) of Rule 4, the following clause shall be substituted:—

"In the case of a Market Committee constituted for the first time, the Chairman shall be nominated by the Government from among the members of the Committee. In any other case the Chairman shall be elected by the Committee from among their members subject to approval by such officer as the Government may designate in this behalf."

(2) In rule 20, the following proviso shall be added at the end of the first sentence:—

"Provided that in the case of a Market Committee constituted for the first time the Chairman shall be nominated by the Government from among the members of the Committee."

(3) In rule 26, for the word "Election" the words "Nomination or Election as the case may be" and for the words "the Committee shall elect another Chairman", the words, "the Government may nominate or the Committee shall elect another Chairman according as the Chairman whose place has to be filled was nominated or elected."

It is further directed that any person interested in the matter may prefer objections or suggestions, if any, thereto to the undersigned within 15 days after the issue of the Notification, after which period no objections or suggestions will be taken into consideration.

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

No. R. L. 517—R.A. 30-46-1, dated Bangalore, the 22nd—26th November 1946.

In exercise of the powers vested in them under the provisions of the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to

direct that the following further amendments shall be made in the Mysore Legislative Rules, 1941, namely,—

In the said Rules, after Rule 73A, the following new Rule shall be inserted, namely,—

Amendment of Representative Assembly Standing Orders.

"**73B.** (1) Where a motion to amend the standing orders of the Representative Assembly has been carried and the draft amendments have been referred to a Special Committee under standing order 44 of the Mysore Representative Assembly Standing Orders, the Special Committee shall, after considering the amendments, make a report thereon.

(2) The report of the Special Committee shall be presented to the Assembly by the Chairman and the report shall be got printed by the Secretary and a copy of the report made available for the use of every member of the Assembly.

(3) After the presentation of the report, the Chairman may move that the draft amendments be taken into consideration.

(4) When the motion that the draft amendments be taken into consideration has been carried, the Chairman of the Committee may at once move that the draft amendments be adopted.

(5) When the draft amendments have been passed by the Assembly they shall be published in the Gazette and come into force thereafter."

By Order,

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

Note.

Standing Order 45 of the Representative Assembly Standing Orders states that after a draft of amendments to the Representative Assembly Standing orders has been referred by the Assembly to a Special Committee, the procedure in regard to Bills similarly committed shall, as far as may be, be followed with such variations as the President may consider necessary or convenient. As there is no provision in the Mysore Legislative Rules or the Representative Assembly Standing Orders, for committing Bills to Committees of the Assembly, it follows that as the standing orders stand, they cannot be amended at all. A Rule has therefore been framed providing for the procedure to be followed for amending standing orders which, in supersession of standing order 45, will hereafter apply to the amendment of standing orders.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATIONS

No. R. L. 519—Bangalore, the dated 22nd November 1946.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Power Alcohol (Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

1. THE MYSORE POWER ALCOHOL (AMENDMENT) BILL.

A Bill to amend the Mysore Power Alcohol Act, 1939.

WHEREAS it is expedient to amend the Mysore Power Alcohol Act, 1939 (VIII of 1939), for making provision for the issue of petrol by the petrol companies without any admixture of power alcohol in the case of any breakdown in the supply of power alcohol;

It is hereby enacted as follows :—

Short title and extent.

1. (*i*) This Act may be called the Mysore Power Alcohol (Amendment) Act, 194 .

(*ii*) It extends to the whole of Mysore.

Amendment of Section 3, Act VIII of 1939.

2. In sub-section (1) of section 3 of the Mysore Power Alcohol Act, 1939, for the full-stop at the end, a comma shall be substituted and the following proviso shall be added, namely :—

"Provided, that in the case of any breakdown in the supply of power alcohol, the petrol companies in such areas may sell or keep for sale, with the previous permission of the Excise Commissioner in Mysore and for the period to be specified by him, petrol without an admixture of alcohol manufactured in the State and the fact of such permission having been granted shall be notified in the official Gazette by the said officer."

Repeal and savings.

3. The Mysore Power Alcohol (Amendment)(Emergency) Act, 1946 (XII of 1946) continued by the Mysore Power Alcohol (Amendment) (Emergency Continuance) Act, 1946 (XXIX of 1946) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on the 25th day of January 1946.

Statement of Objects and Reasons.

The Mysore Power Alcohol Act, 1939, was passed as a measure of encouragement to the power alcohol industry in the State. It prohibits the sale of petrol, in any specified area, except with an admixture of alcohol manufactured in the State.

As a result of occasional breakdown in the supply of power alcohol it is necessary that power should be available to permit the sale of petrol without an admixture of alcohol in such circumstances. This Bill is accordingly brought forward.

It provides for the sale, with the previous permission of the Excise Commissioner, of petrol without an admixture of alcohol in the event of any breakdown in the supply of power alcohol.

As the matter was urgent, an Emergency Act was passed earlier which has since been continued. The Bill repeals and replaces the said Emergency Act as so continued.

No. Rl. 520— Bangalore, the dated 22nd November 1946.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Limitation (War Conditions) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

2. THE LIMITATION (WAR CONDITIONS) BILL.

A Bill to exclude periods spent in enemy territory in computing limitation.

WHEREAS it is expedient to provide that the period of limitation prescribed by law for suits shall not run in the period during which persons instituting suits have been detained in enemy territory by circumstances attributable to war;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Limitation (War Conditions) Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context—

(*a*) "enemy subject" means any individual who possesses the nationality of a State which, or at any time since the 3rd day of September 1939, has been, at war with His Majesty the King-Emperor or who, having possessed such nationality at any time has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(*b*) "enemy territory" means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is, or at any time since the 3rd day of September 1939, has been at war with His Majesty the King-Emperor, not being an area in the occupation of His Majesty the King-Emperor or of a State allied with His Majesty the King-Emperor, and includes any area which the Government may, by notification in the official Gazette, declare either generally or in respect of any particular period to be enemy territory for the purposes of this Act.

3. *Suspension of limitation for suits in certain circumstances.*—If at any time before the expiration of the period of limitation prescribed for any suit by the Mysore Limitation Act, 1911 (IV of 1911) or by any other law for the time being in force, any person who could have instituted the suit has been detained in enemy territory by circumstances attributable to war, the said period of limitation as regards the institution of the suit by such person, shall be deemed not to have run in the period

during which it is shown to the satisfaction of the Court that such person was so detained, and shall, notwithstanding anything contained in the said Act or in any other law, in no case expire before the end of six months from the date, as determined by the Court, when such person ceased to be so detained or from the date of the commencement of this Act, whichever is later:

Provided that where two or more periods have occurred in which a person was so detained, those periods shall be treated for the purposes of this section as one continuous period beginning with the beginning of the first period and ending with the end of the last period:

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits of any description which may be instituted by enemy subjects.

Repeal of Act XIII of 1946.

4. The Limitation (War Conditions) (Emergency) Act, 1946 is hereby repealed.

Statement of Objects and Reasons.

In computing the period of limitation prescribed for a suit, the period during which the person instituting the suit was detained in enemy territory by circumstances attributable to the war cannot be excluded under the existing law of limitation. It is considered desirable to give him relief in such circumstances.

This Bill has been therefore brought forward. It provides that the period of limitation prescribed for any suit should not be deemed to run in the period during which it is shown to the satisfaction of the court that the person who could institute the suit was detained in enemy territory by circumstances attributable to the war and that the said period of limitation should in no case expire before the end of six months from the date when such person ceased to be so detained or from the date of the commencement of this Act, whichever is later.

The Bill follows the provisions of the corresponding British Indian legislation and replaces the Emergency Act (XIII of 1946) passed earlier for a similar purpose.

No. R. L. 521—Bangalore, dated, the 22nd November 1946.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Repealing Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

3. THE REPEALING BILL.

A Bill to repeal certain Acts.

WHEREAS it is expedient to repeal certain Acts;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing Act, 1942. Short title and commencement.

(2) It shall come into force at once.

2. The Acts specified in the Schedule annexed to this Act are hereby repealed. Repeal of certain Acts.

3. The Repealing (Emergency) Act, 1946, is repealed. Repeal of Act XXI of 1946.

THE SCHEDULE.

ACTS REPEALED.

(See *Section 2.*)

Year	*No.*	
1942	II	The Air Raid Precautions Services Act, 1942.
1942	XXVI	The Mysore Motor Vehicles (Drivers) Act, 1942.
1943	III	The Registration of Foreigners (Extending) Act, 1943.

Statements of Objects and Reasons.

During the passage of the Mysore Motor Vehicles (Drivers) Bill in the Legislative Council the Minister for Law promised that the legislative measures which were enacted to meet the situation arising as a result of the war would be repealed when conditions permitted of it. In order to implement this promise and as the need for the continuance of some of these measures no longer exists on account of the termination of the war, it is considered desirable to repeal them.

This Bill has been accordingly brought forward repealing the three Acts specified in the Schedule. It replaces the Emergency Act passed earlier for this purpose.

No. R. L. 522 Bangalore dated, the 22nd November 1946.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Motor Vehicles and Road Traffic (Fourth Amendment) Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,

Legal Remembrancer and
Secretary to Government,
Law Department.

4. THE MYSORE MOTOR VEHICLES AND ROAD TRAFFIC (FOURTH AMENDMENT) BILL.

A Bill further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944 (XXVII of 1944);

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Motor Vehicles and Road Traffic (Fourth Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 2, Act XXVII 1944.

2. In item (12) of Section 2 of the Mysore Motor Vehicles and Road Traffic Act, 1944 (hereinafter referred to as the said Act) for the word and figure " section 21 " the word and figure " section 20 " shall be substituted.

Amendment of section 11, Act XXVII of 1944.

3. In sub-section (1) of section 11 of the said Act, after the words " under the provisions of this Act " the words " or the Indian Motor Vehicles Act, 1939, as applied to the Civil and Military Station, Bangalore " shall be inserted.

Amendment of section 27, Act XXVII of 1944.

4. To sub-section (1) of section 27 of the said Act, the following proviso shall be added, namely :—

" Provided that on the issue of a notification by the Government in this behalf, a motor vehicle registered in the Civil and Military Station, Bangalore, shall not be kept in Mysore for a period exceeding three months unless the owner applies to the registering authority in Mysore for the assignment of a new registration mark and surrenders the certificate of registration to that registering authority."

Amendment of section 38, Act XXVII of 1944.

5. In sub-section (3) of section 38 of the said Act, the following clause shall be added at the end, namely,—

" (n) on the issue of a notification by the Government in this behalf and subject to prescribed conditions to any transport vehicle registered under the Indian Motor Vehicles Act, 1939, as applied to the Civil and Military Station, Bangalore, and in respect of which a valid permit has been issued by a competent authority in the said station."

Repeal and savings.

6. The Mysore Motor Vehicles and Road Traffic (Fourth Amendment) (Emergency) Act, 1946 (XXXIII of 1946) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act, as if this Act had commenced on 29th day of the August 1946.

Statement of Objects and Reasons.

The experience gained in the working of the Mysore Motor Vehicles and Road Traffic Act, 1944, has disclosed the need for making certain amendments thereto, principally in the direction of taking power for reciprocal arrangements with the authorities in the Civil and Military Station, Bangalore. This Bill which has been therefore brought forward provides for the renewal of Driving licenses of the Civil and Military Station by the Mysore Licensing Authorities and reduces the period within which a car registered in the Civil and Military Station but stationed in Mysore should be registered in Mysore from 12 to 3 months and provides also for recognition of permits issued by the Civil and Military Station authorities.

No. C. 1987—C. O.—19—46-2, dated Bangalore, the 27th November 1946.

In exercise of the powers conferred by rules 81(2) and 116(1) of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) (Emergency) Act, 1946, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments shall be made in the Mysore Handloom Cloth (Price Control) Order, 1946, and further to direct with reference to rule 119(1) of the said rules that notice of the said amendments shall be given by publication of the same in the official Gazette and by the issue of a Press Note summarising and explaining its provisions :—

(1) In the said Order for sub-clause (3) of clause 1, the following shall be substituted :—

"It shall come into force on 1st February, 1947."

(2) In sub-clause (1) of clause 12 for the words "1st December 1946" the following shall be substituted :—"1st February 1947."

(3) In clause 13 for the words "30th November 1946" the following shall be substituted.—"31st January 1947."

K. SRINIVASAN, *Secy., Food and Civil Supplies.*

Printed by the Superintendent at the Government Press, Bangalore.